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RULEBOOK

RECENT DEVELOPMENTS ON THE
REGULATORY FRONT

Energy Department Defends Security Rule Attacked by Homosexuals

For years, many government agencies refused to give known homosexuals access to classified materials, saying they would be susceptible to blackmail. Gay rights organizations protested that the policy was arbitrary and discriminatory and, according to Melvin Boozar, director of civil rights for the National Gay Task Force, the groups have made some progress in recent years in getting the federal government to agree.

Still homosexuality is still of concern to some agencies. This week a man sued the CIA, charging that he was fired because he was a homosexual. And the Energy Department recently issued a final rule directing hearing officers to consider "sexual activity" in proceedings to deny or revoke a person's access to classified materials or significant quantities of special nuclear materials.

"The presumption that a homosexual is more open to blackmail is extremely objectionable," Boozar said. He added that one of the major reasons people think homosexuals can be blackmailed "is because the government cares."

DOE staffer Barry Dalinsky explained that the phrase "sexual activity" was not aimed solely at homosexuals, but at anyone whose sexual activities could make them "go to great lengths to cover it up."

The final rule included about a dozen other reasons access could be denied, including treason, association with a saboteur or spy, alcoholism, financial irresponsibility and mental illness.

None of the activities mean automatic rejection, according to Dalinsky. In making a decision, the hearing officer is expected to take into account when the activity occurred and the person's attitude and beliefs.

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PICKING UP THE CHECK

... When Congress created the Superfund, a trust fund for cleaning up hazardous waste spills, it told the Interior Department to draw up regs to determine what sort of assistance should be provided when natural resources were damaged by spills or leaks. Fine, Interior said, but given the department's tight budget, it said the Environmental Protection Agency should pay for the work with its Superfund money. No way, said EPA.

After a short tug-of-war, Interior acknowledged it would have to pay for the job. Interior officials said the department "is currently seeking" the funds to pay for the job. In the meantime, the department has yet to assign anyone to write the rule, which Congress had wanted completed by Dec. 11. The National Wildlife